

## **REMARKS**

### **Status of the Claims**

Claims 1-19 are pending in the present application.

### **Amendments to the Specification**

The specification has been amended to correct an obvious typographical error. The strain name "SY-1" has been amended specify to "BSY-1." "BSY-1" is described in Figure 2 of the originally filed application. Accordingly, no new matter is entered by way of this amendment. Reconsideration is respectfully requested.

### **Restriction Requirement:**

The Examiner has required restriction between Groups I – III as set forth on page 2 of the Office Action. In particular, the Examiner requires Applicants to elect Group I, claims 1-17, drawn to an assay method for cancer compounds; Group II, claim 18, drawn to a kit of gene primers; or Group III, claim 19, drawn to a kit of antibodies.

**Applicants elect, without traverse, Group I, Claims 1-17, drawn to an assay method for cancer compounds.**

### **Election of Species Requirement:**

The Examiner has further required an Election of Species, *see Office Action*, pages 5-7. In particular, the Examiner requires Applicants to elect 1) a single anticancer compound species encompassed by formula I; and 2) an assay method selected from RT-PCR, ELISA, DNA Tip, Immunohistostaining, or Western Blotting.

Applicants elect the following Species without traverse:

- 1) Compound 2 (formula III), as shown in Example 3, as a tested species; and,**
- 2) Western blotting**

Compound 2 is encompassed by claims 1, 6, and 8-17. Western Blotting is encompassed by claims 1-10 and 14-15. Accordingly, claims 1, 6, 8, 9, 10, 14, and 15, encompass the elected species.

According to US practice, Applicants understand that they must elect a single species for prosecution. However, once the Examiner finds allowable subject matter based upon the single species elected, the Examiner is required to then expand the search to include a reasonable number of additional species.

As provided in the M.P.E.P. at § 809.02:

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Linda T. Parker, Ph.D., Registration No. 46,046 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: JUL 9 2010

Respectfully submitted,

By 

Marc S. Weiner  
Registration No.: 32181  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road, Suite 100 East  
P.O. Box 747  
Falls Church, VA 22040-0747  
703-205-8000